

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ST MICHAEL: LLANYBLODWEL

JUDGMENT

- 1) The church of St. Michael in Llanyblodwel has a grade I listing. It has Norman origins but barely any of the Norman and medieval structure remains. The internal and external structure of the church now derives almost entirely from the mid-Nineteenth Century works undertaken at the expense of the then incumbent, the Rev John Parker, and in accordance with Mr. Parker's own designs. The result is a church of a memorable appearance which even now provokes markedly differing reactions. Those involved in the life of the church are proud of the "exuberant" internal decoration and the carved external stonework. Conversely Pevsner in the *Buildings of England: Shropshire* describes the church thus: "The design is certainly absurd but it impresses as a demonstration of staunch individualism. Everything is incorrect here and little is beautiful. ...the church cannot be denied character but that is ... a dim term of praise."
- 2) John Parker's works included the addition, in 1851, of a north porch with an open entrance under a carved archway.
- 3) The Rector and the Parochial Church Council have undertaken a programme of works on the church. These have the aim of conserving the structure and making the church and its history known with a ministry of welcome and education to visitors including those walking through the parish on Offa's Dyke. These works have included conservation of the internal wall decorations; sundry structural works; and the creation of a café in the former vestry. As part of this ministry the Rector and the Parochial Church Council keep the church open during daylight hours. There is already a faculty authorising the installation of a toilet adjacent to the north porch. This will replace or supplement the current outside toilet; will be accessible both from inside the church and from the north porch; and will be accessible for wheelchair users. The north porch will become a lobby to this toilet.

- 4) The current petition is brought by the Rector and churchwarden with the unanimous support of the Parochial Church Council and seeks a faculty for the installation of a frameless glass door into the porch opening.

The Procedural History.

- 5) There was no response to the public notice.
- 6) The Diocesan Advisory Committee certified that the proposed works would affect the special significance of the church. It did not recommend approval of the petition for the reasons I will set out more fully below. Historic England's stance mirrored that of the Diocesan Advisory Committee.
- 7) Both the Victorian Society and the Ancient Monuments Society wrote letters of objection but neither chose to become a party opponent.
- 8) I concluded that it was expedient to determine the matter on the basis of written representations and a site visit. The Petitioners consented to that course and I made a site visit on 7th September 2019.

The Competing Contentions.

- 9) The Petitioners seek a fully glazed frameless door. They say that there is a need for a door to create the lobby to the new toilet or at least to protect that lobby from the elements. They say that a fully glazed door is the best course because they believe that it will have a better appearance than a framed door or a timber door. They say that it amounts to using a good modern design in a way which is compatible with the building. In the Petitioners' view the proposed fully glazed door will be a "light and contemporary feature". They believe that it will complement Parker's works and that using a good modern design is appropriate in a church which has had alterations at various stages in its life. Indeed they say that using a good modern design of a kind which some would regard as innovative is akin to the approach taken by John Parker 170 years ago.
- 10) The Petitioners base their desire for a glazed door not solely on aesthetics but also on practicalities. As I have already noted the church is kept open during daylight hours and it is attended by volunteers in particular for opening and closing the church. A glazed door will give a welcoming appearance but will enable those

in the lobby to see who if anyone is outside when unlocking the door from the inside and will enable those locking or unlocking the door from the outside to see who if anyone is inside the lobby. The church is in a comparatively remote location and the ability to see through the door in those circumstances is regarded as providing a degree of protection and reassurance to those responsible for its locking and unlocking on a daily basis.

- 11) The Diocesan Advisory Committee accepts that there is a need for a door at this point. It also accepts the need for it to be glazed but it does not believe that it is appropriate for it to be frameless. The Committee's view is that the door should have a frame of either timber or metal (at different points the Committee has expressed a preference for each of those materials). The Committee believes that a frameless fully glazed door would have an appearance which would be too modern and urban for this historic church in a rural setting.
- 12) Historic England also accepts the need for a door and that it should be glazed but defers to the Diocesan Advisory Committee on the detailing proposed and I understand this to indicate agreement with the Committee's view that a glazed door with a frame is appropriate.
- 13) It was the view of the Diocesan Advisory Committee that the local planning authority would be opposed to the proposed frameless glass door but no representations have been made directly by that body.
- 14) The Victorian Society and the Ancient Monuments Society accept the need for a door but contend that it should be a solid timber door rather than one of glass. They believe that a timber door would fulfil the needs of the petitioners while being visually more appropriate. It is their view that the proposed glazed door would harm the church's special significance and would be, in the words of the Victorian Society "an aesthetically incongruous and jarring addition to the north porch". It is of note that although the Victorian Society's submissions appear to be based on an assessment of the documents those of the Ancient Monuments Society which are to the same effect are provided by a caseworker with personal knowledge of this church.

The Approach to be taken.

- 15) I have already said that St Michael's is a listed church and that the proposed works will lead to an alteration in its appearance. Therefore, I am to have regard to the guidance laid down in *Duffield: St Alkmund* [2013] 2 WLR 854. That requires the following questions to be addressed in respect of alterations to listed churches.
- a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
 - c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
 - d) How clear and convincing is the justification for carrying out the proposals?
 - e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?
- 16) In considering the last question I have to bear in mind that the more serious the harm the greater the level of benefit needed before proposals can be permitted. I also have to bear in mind that serious harm to a church listed as Grade I or Grade II* should only be permitted in exceptional cases.
- 17) Where it is established that works of a particular kind are needed and that the benefit to be achieved justifies harm to the church's special significance the rationale of the *Duffield* approach still requires that the works permitted must only those which cause the minimum harm to that special significance which is consistent with producing the benefit in question. It follows that if a desired benefit can be achieved in a way which causes less harm to the special significance of a church than the works proposed by a petitioner then the petitioner in question will not have shown that it is necessary to undertake those works (or to undertake them in the proposed way) to achieve the benefit and such works could not be authorised.

Analysis.

- 18) It is the issue considered in the preceding paragraph which is the key question here. All are agreed that it is appropriate that the north porch should become the lobby for the new toilet and all are agreed that a door should be installed in this archway. The question is whether the door should be of timber or glass and if of glass whether it should be framed or unframed.
- 19) I remind myself that I am to be cautious in attaching any weight to my own views or impressions on questions of aesthetics and that I am to have particular regard to the advice of the Diocesan Advisory Committee and other appropriate experts on such matters.
- 20) I am satisfied that the Petitioners have made out their case for a glass rather than timber door. Their reasons for seeking to have a glass door are practical as well as aesthetic and I accept that there is force in the point that there will be added protection and security for a volunteer locking or unlocking the door if that person can see who or what is on the other side of the door. It follows that a timber door would not fully meet the need which has been identified. In that regard it is of note that both the Diocesan Advisory Committee and Historic England accept that a glass door is appropriate and the Committee's conclusion in that regard had been informed by a site visit. Although the Victorian Society and the Ancient Monuments Society take the view that a timber door would be more in keeping with context of the building it is to be remembered that as designed by John Parker the archway was to be open and so even a timber door would be a change from the original design. In my judgement although the introduction of any door here will alter the appearance of the church and will to that extent harm the special significance the impact will be rather less than is suggested by the Victorian Society. In that regard I note that the porch is on the north side of the church and the layout of the site means that the entrance to the porch is only seen by those walking towards the porch when they are on that side of the church. Most of those visiting the church will not see the door which is not visible at all when approaching the main south entrance or when standing at the east or west ends of the church exterior.
- 21) Accordingly, I accept that the door is to be of glass. The next question is whether it should be of the unframed type which the Petitioners seek or should have a frame

as the Diocesan Advisory Committee desire. That difference of view is very much a matter of differing views over matters of aesthetics. A glazed door with a frame would meet the needs of providing a door to the lobby and of enabling those locking and unlocking the church to see what is on the other side of the door when doing so. The Petitioners concern is that it would be less attractive than a fully glazed door. Although the Petitioners do not express it this way the impression I derived from the papers and on my site visit was that they regarded a framed door as a more conventional solution while the introduction of an unframed door would be using the approach of the Twenty-First Century in the same way as John Parker was using new and arguably unconventional ideas in the mid-Nineteenth Century.

22) In such a conflict of views on matters of aesthetics I am not required to accept the approach of the Diocesan Advisory Committee but I must give considerable weight to its advice. Here the Committee has set out both its strong reservations about the Petitioners' proposed course and the reasoning underlying those reservations. The Petitioners have not shown any significant flaw in the Committee's approach and in my judgement the latter's advice must prevail. That has the effect that I am to conclude that a fully glazed (ie frameless) door would have an adverse aesthetic effect on this grade I listed church. The benefits which the Petitioners seek to achieve can be achieved by a glass door with a frame and it follows that the additional harm which would result from a frameless door is not justifiable.

23) In those circumstances the petition as it stands must fail. However, I will authorise the installation of a glass door with a metal or wooden frame. If the Petitioners bring forward proposals for such a door then a faculty authorising the installation of the same may issue forthwith upon confirmation being given by the Diocesan Advisory Committee that the proposals meet with the Committee's approval. In the event that such proposals are made and the Petitioners and the Diocesan Advisory Committee are unable to reach agreement on the form of a framed glass door then the matter is to be referred to the court for further directions.

STEPHEN EYRE

HIS HONOUR JUDGE EYRE QC

CHANCELLOR

15th September 2019